

All communications respecting this case should identify it by number and names of parties.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: BOX INTERFERENCE  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Telephone: (703) 308-9797

Facsimile: (703) 308-7953

**MAILED**

**APR 30 1996**

**PAT.&T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

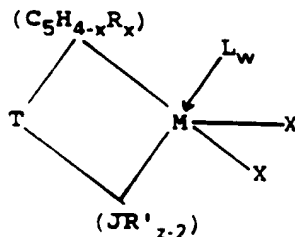
Applicant: Canich  
Serial No.: 07/728,428  
Filed: July 11, 1991  
For: OLEFIN POLYMERIZATION  
CATALYSTS

Accorded Benefit of: U.S.  
S.Nos. 07/533,245, filed  
06/04/90, now Patent No.  
5,055,438, issued 10/08/91;  
07/406,945, filed 09/13/89,  
now abandoned

Pursuant to the APJ' decision on preliminary motion,  
Interference No. 102,953 is redeclared by deleting count 1 and  
substituting therefore new count 2 as follows:

Count 2

A compound having the general formula:



or a dimer thereof, wherein:

M is Zr, Hf, or Ti;

$(C_5H_{4-x}R_x)$  is a cyclopentadienyl ring which is substituted with from zero to four substituent groups R, x is 0, 1, 2, 3, or 4 denoting the degree of substitution, and each substituent group R is independently a radical selected from the group consisting of  $C_1$ - $C_{20}$  hydrocarbyl radicals, substituted  $C_1$ - $C_{20}$  hydrocarbyl radicals wherein one or more hydrogen atoms is replaced by a halogen atom,  $C_1$ - $C_{20}$  hydrocarbyl-substituted metalloid radicals wherein the metalloid is selected from the group consisting of silicon and germanium, cyano, and halogen radicals, or  $(C_5H_{4-x}R_x)$  is a cyclopentadienyl ring in which two adjacent R groups are joined forming a  $C_4$ - $C_{20}$  ring to give a saturated or unsaturated polycyclic cyclopentadienyl ligand;

$(JR'_{z-2})$  is a heteroatom ligand in which "J" is an element with a coordination number of three from Group V-A or an element with a coordination number of two from Group VI-A of the Periodic Table of Elements, and R' is a radical selected from a group consisting of  $C_1$ - $C_{20}$  hydrocarbyl radicals, substituted  $C_1$ - $C_{20}$  hydrocarbyl radicals wherein one or more hydrogen atoms is replaced

Serial No. 728,428

by a halogen atom, and "z" is the coordination number of the element J;

X is, independently each occurrence, an anionic ligand group selected from the group consisting of hydride, halide, alkyl of up to 30 carbon atoms, alkoxy having up to a total of 30 carbon and oxygen atoms, cyanide, azide, acetylacetonate, aryl having from 6 to 30 carbon atoms, aryloxy having a total of from 7 to 30 carbon and oxygen atoms, norbornyl and benzyl;

T is  $CR_2^*$ ,  $CR_2^*CR_2^*$ ,  $SiR_2^*$  or  $SiR_2^*SiR_2^*$  where  $R^*$  is selected from the group consisting of hydrogen,  $C_1$ - $C_{20}$ -alkyl, haloalkyl having up to a total of 20 carbon and halogen atoms, aryl having from 6 to 20 carbon atoms, and haloaryl having a total of from 7 to 20 carbon and halogen atoms;


L is a neutral Lewis base; and

w is a number from 0 to 3.

The claims of the parties designated as corresponding to this count are:

Canich: Claims 2, 4-6, 25, 26, 35-41 and 44-45.

Stevens et al.: Claims 1, 2, 49-56, 102, 103, 109 and 111-118.

  
Mary F. Downey  
Administrative Patent Judge  
(703) 308-9821

MFD/raj